

BILL ANALYSIS

C.S.S.B. 369
By: Williams
Transportation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The 78th Legislature enacted a provision aimed at preventing motorists from obscuring their license plate in order to prevent toll enforcement cameras from reading a vehicle's license plate and subsequently recovering that toll or prosecuting that individual. The Court of Criminal Appeals of Texas recently ruled that Section 502.409, Transportation Code, states that a motorist is in violation of this section if any part of the motorist's license plate is obscured. This law has been used by law enforcement to pull over otherwise law-abiding motorists although the license plate number and state are readable. C.S.S.B. 369 clarifies that a vehicle is not in violation of the law as long as the state in which the vehicle is registered and the license plate number are not obscured or altered.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. Amends §502.409(a), Transportation Code, to prohibit the use of blurring or reflective matter on a license plate that significantly impairs the readability of the name of the state in which the vehicle is registered and the letters and numbers of the license plate number at any time. Prohibits the use of material or an apparatus that alters or obscures one-half or more of the name of the state in which the vehicle is registered. Prohibits the use of material that alters or obscures the license plate number or the color of the plate. Removes language from statute prohibiting the use of materials that obscure other original design features of a license plate. Adds §502.409(c), Transportation Code, to exempt the use of trailer hitches, toll road transponders, wheelchair lifts or carriers, trailers, or bicycle racks from the prohibition regarding the obstruction of a portion of a license plate.

SECTION 2. Implementation language clarifying that the changes in statute made by the Act apply to offenses committed on or after 1 September 2007.

SECTION 3. Effective date on 1 September 2007.

EFFECTIVE DATE

September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute adds language in SECTION 1 of the bill to prohibit the use of material that significantly impairs the name of a state on a license plate.